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COUNTRY: Argentina (AR)

REPORT NO: (b)(3):10 USC 424

TITLE: Military/Political - Draft Human Rights Report for Argentina (U)

DATE OF INFO: 800921 (YY MM DD)

REPORT DATE: 801010 (YY MM DD)

ORIGINATOR: (b)(3):10 USC 424

REQ. REFERENCES: (b)(3):10 USC 424

SOURCE: AMEMB Official

SUMMARY: (U) This report forwards AMEMB Cable 7776, which updates the CY79 report on Human Rights in Argentina. Forwarded in draft form, this report reflects the improvements and shortfalls of the HR situation during CY80.

DETAILS: None

ORIGINATOR COMMENTS: (U) (b)(3):10 USC 42 considerable efforts have been made towards return to Rule of Law, significant reductions in number of disappeared and significant reduction of numbers of prisoners under PEN (Executive Power Detention). If these are considered the "yard-stick" to measure effectiveness of progress - the indicators are favorable.

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TAGS: AR, SHUM
SUBJECT: DRAFT ~~RKHRXT~~ HUMAN RIGHTS REPORT FOR A

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FOLLOWING IS DRAFT ~~HMNANXRIBHXS~~ ANNUAL HUMAN RIGHTS REPORT FOR ARGENTINA:

BEGIN TEXT:

OVER THE PAST TWENTY-FIVE YEARS ARGENTINA HAS PASSED THROUG SEVERAL CYCLES OF ALTERNATING CIVILIAN AND MILITARY RULE; SINCE 1955, THERE HAVE BEEN SIX MILITARY AND SIX XX CIVIL PRESIDENTS. BEGINNING IN 1969, VIOLENCE MOUNTED PROGRESSI W FROM THE LEFT AND THE RIGHT AS GROUPS WITH WIDELY DIFFERE POLITICAL OBJECTIVES AND CONCEPTIONS STRUGGLED FOR POWER. AS A RESULT, BOTH CIVILIAN AND MILITARY GOVERNMENTS HAVE MAINTAINED A "STATE OF SIEGE" FOR SOME NINE OF THE PAST YEARS. AT THE HEIGHT OF THIS VIOLENCE IN 1975-1976, TER

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HAD TAKEN ON BROAD DIMENSIONS: BOMBINGS, ROBBERIES, KIDNAPPINGS AND ASSASSINATIONS FOR POLITICAL REASONS WERE COMMON OCCURRENCES. ORGANIZED TERRORIST GROUPS ON BOTH SIDES OF THE POLITICAL SPECTRUM NUMBERED SOME 5,000-6,000 R PERSONS, WITH SYMPATHIZERS ESTIMATED AT AN ADDITIONAL 15,000.

BY 1976 THE SITUATION IN ARGENTINA HAD DETERIORATED SHARPLY. COURTS AND POLITICAL LEADERS WERE BEING INTIMIDATED; INFLATION APPROACHED 800 PERCENT AND MANY ESSENTIAL PUBLIC SERVICES HAD BEEN DISRUPTED. AT THIS POINT, THE ARMED FORCES AGAIN TOOK CONTROL OF THE STATE, WITH THE AVOWED GOALS OF PROMOTING ECONOMIC RECOVERY AND ENDING TERRORISM AND CORRUPTION. THEY PROMISED THAT DEMOCRACY WOULD ULTIMATELY BE RESTORED. THE ARMED FORCES MAINTAINED THE STATE OF SIEGE IMPOSED IN 1974 BY PRESIDENT MARIA ESTELA PERON, CLOSED CONGRESS, DEPOSED THE PRESIDENT, AND REPLACED ALL MEMBERS OF THE SUPREME COURT. ELECTED STATE AND LOCAL GOVERNMENTAL OFFICIALS WERE REPLACED BY MILITARY OFFICERS, AND POLITICAL PARTY ACTIVITIES, INCLUDING THE RIGHT OF ASSEMBLY, WERE PROHIBITED. MOST TRADE UNIONS WERE "INTERVENED," AND ALL STRIKES WERE BANNED.

THE SECURITY FORCES EMBARKED ON A WIDESPREAD COUNTER-CAMPAIGN OF VIOLENCE AIMED AT TERRORISTS AS WELL AS ELEMENTS OF THE SOCIETY THEY CONSIDERED SUBVERSIVE; MANY KNOWN OR SUSPECTED TERRORISTS, AS WELL AS MANY

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PERSONS WITH NO SUBVERSIVE RECORD, DISAPPEARED. CONDITIONS OF DETENTION WERE OFTEN CRUEL. ALTHOUGH THE GOVERNMENT ASSERTS THAT TORTURE WAS NEVER AUTHORIZED, THERE ARE MANY REPORTS THAT IT WAS EMPLOYED DURING PRELIMINARY DETENTION. MANY OTHERS WERE DETAINED BY THE EXECUTIVE WITHOUT ANY SPECIFIC CHARGE UNDER THE "STATE OF SIEGE" POWERS OF THE CONSTITUTION.

BY 1978 SPOKESMEN FOR THE GOVERNMENT ANNOUNCED THAT THE WAR ON TERRORISM HAD BEEN WON. AS DESCRIBED IN LAST YEAR's KR REPORT, 1979 SAW IMPORTANT POSITIVE DEVELOPMENTS IN THE REDUCTION OF HUMAN RIGHTS VIOLATIONS. IN 1980 THE TRENDS ESTABLISHED THE YEAR BEFORE CONTINUED; THE HUMAN RIGHTS SITUATION IMPROVED, BUT SERIOUS PROBLEMS REMAIN.

-- ELEVEN CASES OF DISAPPEARANCES WERE REGISTERED IN ARGENTINA; HUMAN RIGHTS GROUPS ASSERT THAT THE TOTAL MAY BE CLOSER TO 22. IN CONTRAST, DISAPPEARANCES NUMBERED AN MANY THOUSANDS IN 1976 AND 1977, OVER 600 IN 1978, AND 44 IN 1979. THE BULK OF THE DISAPPEARED LAST YEAR SEEMINGLY INVOLVED INDIVIDUALS CONNECTED TO ARGENTINE TERRORIST ORGANIZATIONS AND WHO MAY HAVE ENTERED THE COUNTRY CLANDESTINELY.

-- THE NUMBER OF DETAINEES HAS BEEN REDUCED. EIGHT THOUSAND TWO HUNDRED PEOPLE HAVE BEEN DETAINED UNDER THE SPECIAL EXECUTIVE POWERS OF THE PRESIDENT SINCE 1974. ABOUT 1,800 PRISONERS ACCUSED OF OTHER THAN COMMON CRIMES

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REMAINED IN DETENTION AT THE END OF 1980. ABOUT 750 WERE BEING HELD EITHER WITHOUT TRIAL, SOME FOR MANY YEARS, OR AFTER SERVING THEIR SENTENCES. ABOUT 600 HAD BEEN TRIED AND CONVICTED IN MILITARY OR CIVILIAN COURTS. ANOTHER 400 WERE IN TRIAL STATUS.

-- UNDER THE LEADERSHIP OF THE SUPREME COURT, THE JUDICIAL SYSTEM HAS INCREASINGLY ASSERTED ITSELF. THE SUPREME COURT HAS, IN EFFECT, ORDERED LOWER COURTS TO INVESTIGATE DISAPPEARANCES. HOWEVER, THE COURTS HAVE NOT YET BEEN ABLE TO CLARIFY THE CIRCUMSTANCES OF ANY OF THE MANY DISAPPEARANCES BROUGHT TO THEIR ATTENTION.

-- TERRORISTS REPEATEDLY SOUGHT TO REINFILTRATE THE COUNTRY BUT WERE UNSUCCESSFUL IN THE FACE OF ACTION BY THE SECURITY FORCES. THERE WERE NO NEW MAJOR TERRORIST INCIDENTS IN THE COUNTRY ATTRIBUTABLE TO THE MONTONEROS IN 1980.

-- PRISON CONDITIONS IMPROVED. COMPLAINTS IN THE PAST FOCUSED MOST HEAVILY ON OVERCROWDING, LACK OF MEDICAL TREATMENT, INADEQUATE FOOD, AND RESTRICTIONS ON VISITS. TODAY, SUCH CONDITIONS HAVE BEEN SIGNIFICANTLY RELIEVED AND SUCH CONCERN AS IS EXPRESSED FOCUSES ESPECIALLY ON PSYCHOLOGICAL FACTORS, PARTICULARLY ARBITRARY USE OF AUTHORITY BY GUARDS.

-- THE OPPORTUNITIES FOR THE EXERCISE OF POLITICAL LIBERTIES EXPANDED THOUGH FREEDOM REMAINS CIRCUMSCRIBED BY THE PROHIBITION ON POLITICAL ACTIVITIES AND DE FACTO

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LIMITS ON THE FREEDOM OF EXPRESSION. WITHIN UNCERTAIN LIMITS POLITICIANS AND THE PRESS INCREASINGLY VOICED CRITICISM OF THE GOVERNMENT'S ACTIONS AND PLANS. OCCASIONALLY POLITICIANS WERE DETAINED ON THE GROUNDS THAT THEY HAD OVERSTEPPED THE LIMITS OF THE LAW.

-- THE MILITARY DESIGNATED THE PRESIDENT FOR THE PERIOD 1981-84 WHILE REITERATING ITS COMMITMENT TO RETURN THE COUNTRY EVENTUALLY TO CIVILIAN RULE. NO DATE HAS BEEN FIXED FOR THAT DEVOLUTION. THE GOVERNMENT MAINTAINED A FORMAL DIALOGUE WITH POLITICAL LEADERS AS PART OF THE PROCESS THAT IS INTENDED TO LEAD TO THE RETURN OF DEMOCRACY.

NEW PARA: AT THE INVITATION OF THE ARGENTINE GOVERNMENT, THE INTER-AMERICAN HUMAN RIGHTS COMMISSION VISITED ARGENTINA IN SEPTEMBER 1979, TO INVESTIGATE HUMAN RIGHTS ABUSES. IN ITS FINAL REPORT THE COMMISSION RECORDED A PAST PATTERN OF WIDE SCALE HUMAN RIGHTS ABUSES AND MADE AN EXTENSIVE LIST OF RECOMMENDATIONS TO THE ARGENTINE AUTHORITIES FOR CORRECTING THE SITUATION.

ARGENTINE HUMAN RIGHTS GROUPS REMAIN ACTIVE AND WELL ORGANIZED. THOUGH OCCASIONAL HARASSMENT CONTINUED, IT WAS AT A LOWER LEVEL THAN IN THE PAST.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

THERE HAVE BEEN FEW REPORTS FROM PEOPLE DETAINED

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FOR NATIONAL SECURITY REASONS DURING 1980. EXISTING REPORTS SUGGEST, HOWEVER, THAT PHYSICAL MISTREATMENT CONTINUES TO BE USED AS PART OF THE INTERROGATION OF SUCH DETAINEES. IN THE PAST TESTIMONY FROM FORMER DETAINEES INDICATES THAT MISTREATMENT TOOK THE FORM OF ELECTRIC SHOCK, IMMERSION OF HEAD IN WATER, MOCK EXECUTIONS, SEVERE BEATINGS AND PSYCHOLOGICAL ABUSE. MOST OBSERVERS HAVE CONCLUDED THAT SUCH TREATMENT CONTINUES TO BE METED OUT TO NEWLY DISAPPEARED INDIVIDUALS. THE ARGENTINE CONSTITUTION PROHIBITS TORTURE AND THE GOVERNMENT HAS PUBLICLY STATED THAT IT HAS NEVER AUTHORIZED ITS USE.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

IN APRIL, 1979, THE GOVERNMENT DECREED UNIFORM PRISON REGULATIONS WHICH HAVE LED TO A GENERAL IMPROVEMENT IN PRISON CONDITIONS. WHILE CONDITIONS REPORTEDLY IMPROVED SIGNIFICANTLY FOR A TIME AFTER THE ISSUANCE OF THE DECREE, THEY AGAIN DETERIORATED IN SOME RESPECTS THEREAFTER. IN MAY, 1980, A NEW DECREE WAS ISSUED AIMED AT UNIFORMLY IMPROVING CONDITIONS, PARTICULARLY ARBITRARY USE OF AUTHORITY, AVAILABILITY OF MEDICAL TREATMENT, ACCESS TO READING MATERIAL, WORK AND EXERCISE. INITIAL REPORTS SUGGEST THERE HAS BEEN AN IMPROVEMENT IN THESE AREAS SINCE MAY. HOWEVER, HUMAN RIGHTS GROUPS REMAIN CONCERNED, PARTICULARLY ABOUT THE

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PSYCHOLOGICAL CONDITIONS AFFECTING PRISONERS. THE INTERNATIONAL COMMITTEE OF THE RED CROSS MAINTAINS A REGULAR PROGRAM OF PRISON VISITS.

C. DISAPPEARANCES

THE ARGENTINE PERMANENT ASSEMBLY ON HUMAN RIGHTS HAS RECORDED ELEVEN REPORTS OF DISAPPEARANCES IN CIRCUMSTANCES WHICH SUGGEST THAT THE VICTIM WAS PROBABLY TAKEN BY THE SECURITY FORCES. THERE ARE REPORTS BY HUMAN RIGHTS ORGANIZATIONS ASSERTING THAT SUBSTANTIALLY MORE PEOPLE DISAPPEARED--PERHAPS TOTALING AS MANY AS 22. MOST QUALIFIED OBSERVERS BELIEVE THAT [redacted] ALMOST ALL OF THE PEOPLE WHO DISAPPEARED HAD ACTIVE LINKS TO TERRORIST ORGANIZATIONS. SOME OF THE DISAPPEARED SEEM TO HAVE BEEN CAPTURED WHILE SEEKING TO ENTER THE COUNTRY, WHILE OTHERS HAD ENTERED OR WERE LIVING IN THE COUNTRY CLANDESTINELY. AT THE SAME TIME, THERE WERE A FEW INSTANCES OF FORMER TERRORISTS WHO AFTER CAPTURE WERE PLACED BEFORE THE COURTS, WHEN IN THE PAST SUCH PEOPLE MIGHT HAVE SIMPLY DISAPPEARED. AS A RULE, HOWEVER, IT APPEARS THAT CAPTURED TERRORISTS ARE NOT BEING BROUGHT TO A PROPER TRIAL BEFORE EITHER MILITARY OR CIVILIAN COURTS.

THE CIRCUMSTANCES OF A WIDELY PUBLICIZED ALLEGED ABDUCTION AND DISAPPEARANCE OF THREE ARGENTINES IN LIMA, REMAIN OBSCURE. AMNESTY INTERNATIONAL AND OTHER HUMAN RIGHTS ORGANIZATIONS CHARGE THAT ARGENTINE SECURITY FORCES PARTICIPATED IN

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THE ALLEGED ABDUCTION IN PERU. THE ARGENTINE GOVERNMENT HAS STATED THAT THE THREE WERE MEMBERS OF THE MONTONEROS BUT HAS DENIED ANY ROLE IN THEIR DISAPPEARANCE, POINTING TO THE DISCOVERY OF THE BODY OF ONE OF THE ALLEGED VICTIMS IN A MADRID APARTMENT IN CIRCUMSTANCES SUGGESTING THAT SHE WAS LIVING THERE AFTER HER REPORTED DISAPPEARANCE.

NEW PARA: TO DATE THE AUTHORITIES HAVE NOT SOUGHT TO PROVIDE AN ACCOUNTING OF THE FATE OF THE PEOPLE WHO ALLEGEDLY DISAPPEARED IN THE PAST. GOVERNMENT SPOKESMEN HAVE SUGGESTED THAT THE BULK OF THE DISAPPEARED ARE DEAD. BASING THEIR CONCLUSION ON THE STATEMENTS OF FORMER DETAINEES WHO REPORT THAT MOST OF THEIR FELLOWS ARE EXECUTED AS WELL AS THE DEARTH OF ANY SUBSTANTIAL INFORMATION TO THE CONTRARY, MOST OBSERVERS HAVE ACCEPTED THAT THE GREAT BULK OF THE DISAPPEARED ARE INDEED DEAD. IT IS IMPOSSIBLE TO ESTABLISH THIS WITH CERTAINTY, HOWEVER, IN THE ABSENCE OF DEFINITIVE EVIDENCE.

D. ARBITRARY ARREST AND IMPRISONMENT.

THE ARGENTINE CONSTITUTION, IN ARTICLE 23, ESTABLISHES THE POWER OF THE EXECUTIVE BRANCH TO DETAIN AND HOLD PRISONERS UNDER A "STATE OF SIEGE" (WHICH HAS BEEN IN EFFECT SINCE 1974). THE CONSTITUTIONAL PROVISIONS ARE REFERRED TO AS THE NATIONAL EXECUTIVE POWER ("PEN" FOR THE SPANISH WORDS PODER EJECUTIVO NACIONAL). THE EXECUTIVE HAS INTERPRETED THE CONSTITUTION, WHICH PLACES NO EXPLICIT TIME LIMIT ON THE DURATION OF THE PEN

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DETENTION, AS MEANING IT CAN HOLD PRISONERS UNDER THE PEN POWERS INDEFINITELY. THE SUPREME COURT, OVERRULING A NUMBER OF LOWER COURT DECISIONS, HAS UPHELD THIS VIEW, ACCEPTING BROAD AND UNSUBSTANTIATED CHARGES OF ASSOCIATION WITH SUBVERSION AS SUFFICIENT GROUNDS FOR DETENTION. SOME PEN PRISONERS HAVE BEEN IN JAIL WITHOUT CHARGE FOR SEVERAL YEARS--INCLUDING A SIGNIFICANT NUMBER DETAINED BEFORE 1976.

NEW PARA: IN 1980 THE GOVERNMENT REDUCED THE NUMBER OF PEN PRISONERS TO ABOUT 1,200, FREEING SOME, BRINGING SOME TO TRIAL, EXPELLING OTHERS, AND PLACING OTHERS ON SUPERVISED LIBERTY. APPROXIMATELY 750 PEN PRISONERS ARE BEING HELD WITHOUT TRIAL, SENTENCING OR AFTER SERVING SENTENCE. THE REMAINDER ARE EITHER IN TRIAL STATUS, OR SERVING SENTENCES AFTER MILITARY OR CIVILIAN TRIALS. IN ADDITION TO THE PEN PRISONERS, APPROXIMATELY 600 INDIVIDUALS ARE IN JAIL ON OTHER THAN COMMON CRIMINAL CHARGES. THUS THE TOTAL PRISON POPULATION OF OTHER THAN COMMON CRIMINALS IS APPROXIMATELY 1,800 COMPARED TO THE APPROXIMATELY 8,400 THAT WERE ARRESTED ON SUCH CHARGES SINCE 1974.

A 1979 GOVERNMENT LAW SHORTENING THE PERIOD FOR COURT FINDING OF PRESUMPTIVE DEATH HAS ALLEVIATED SOME PERSONAL HARDSHIPS IN LEGAL AND FINANCIAL MATTERS FOR THE SURVIVORS OF THE DISAPPEARED. THE LAW DREW SHARP CRITICISM FROM ARGENTINE HUMAN RIGHTS ORGANIZATIONS, RELATIVES AND THE EUROPEAN PARLIAMENT, BECAUSE OF FEARS THE GOVERNMENT

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WOULD MISUSE IT TO ARBITRARILY CLOSE THE CASES OF DISAPPEARANCES. THERE HAVE BEEN NO REPORTS THAT THE LAW WAS IN FACT ABUSED BY THE AUTHORITIES. THE GOVERNMENT HAS NOW RESTRICTED THE TERMS OF THE LAW IN A WAY WHICH EXPLICITLY SHOULD EXCLUDE ITS POSSIBLE MISUSE.

E. DENIAL OF FAIR PUBLIC TRIAL

THE TRIAL OF THOSE ACCUSED OF SUBVERSION OR TERRORISM MAY BE HELD IN CIVILIAN OR MILITARY COURT. CIVILIAN COURTS FOLLOW THE CUSTOMARY LEGAL PROVISIONS REGARDING OPEN AND FAIR TRIALS. ARGENTINE LAW, HOWEVER, REQUIRES WRITTEN RATHER THAN ORAL TESTIMONY, SO THAT "OPEN" HAS A DIFFERENT MEANING AND DIFFERENT CONSEQUENCES FROM THOSE IN OTHER LEGAL SYSTEMS. THE LAW PROVIDES THAT THE CIVILIAN COURTS ARE INDEPENDENT. MILITARY TRIBUNALS, BEFORE WHICH CIVILIANS MAY BE TRIED, CONDUCT THEIR PROCEEDINGS IN SECRET. THE DEFENDANTS HAVE ACCESS ONLY TO A MILITARY DEFENSE COUNSEL WHO IS USUALLY NOT A LAWYER. DEFENDANTS LEGALLY MAY BE KEPT UNAWARE OF THE EVIDENCE AGAINST THEM, IN BOTH MILITARY AND CIVILIAN PROCEEDINGS.

ALTHOUGH USED FOR NATIONAL SECURITY MATTERS, THE SYSTEM OF MILITARY TRIBUNALS ~~XXXXXXXXX~~ USUALLY DOES NOT NOW DEAL WITH NEWLY CAPTURED TERRORISTS AND THEIR ACTIVE SUPPORTERS.

NEW PARA: LAWYERS HAVE GENERALLY BEEN RELUCTANT TO ASSUME THE CASES OF PEOPLE CHARGED WITH TERRORISM OR SUBVERSION FEARING HARASSMENT OR REPRISALS. THE NEW YORK CITY BAR

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ASSOCIATION FOLLOWING ITS VISIT TO ARGENTINA IN APRIL 1979 CONCLUDED THAT IN 1975-1978 SOME LAWYERS DISAPPEARED OR WERE DETAINED IF THEY DEFENDED CLIENTS OR CAUSES UNPOPULAR WITH THE GOVERNMENT. OVER THE PAST TWO YEARS, NO LAWYERS DISAPPEARED OR WERE DETAINED FOR SUCH REASONS, AND IT APPEARS THAT THE PROFESSION IS OPERATING MORE SECURELY THAN IN THE PAST.

THE INDEPENDENCE OF THE COURTS IS ESTABLISHED IN THE CONSTITUTION. IN 1976 HOWEVER, THE JUNTA REPLACED ALL MEMBERS OF THE SUPREME COURT AND REMOVED A NUMBER OF JUDGES IN LOWER COURTS, THOUGH MOST WERE RETAINED. SOME OBSERVERS HAVE ASSERTED THAT THESE CHANGES COUPLED WITH THE PRESSURES INVOLVED IN TRIALS OF SUBVERSIVES AND TERRORISTS MAKE IT DIFFICULT FOR THE COURTS TO MAINTAIN THEIR INDEPENDENCE. INDEED, THE COURTS HAVE OFTEN UPHELD EXECUTIVE INTERPRETATIONS OF LAWS OF THE CONSTITUTION; AND THEY HAVE NOT [redacted] SUCCESSFULLY CLARIFIED THE FATE OF ANY OF THE DISAPPEARANCES BROUGHT TO THEIR ATTENTION. HOWEVER, THERE HAVE BEEN INSTANCES WHEN THE COURTS SUCCESSFULLY CHALLENGED GOVERNMENT ACTIONS AND INTERPRETATIONS OF ITS POWERS. THE MOST CELEBRATED OF THESE CASES TOOK PLACE IN 1979 AND INVOLVED THE SUPREME COURT ORDERING THE JUNTA TO RELEASE NEWSPAPER PUBLISHER JACOBO TIMERMAN. IN 1980 THE SUPREME COURT ORDERED THE COURTS TO FULLY INVESTIGATE DISAPPEARANCES WHEN THERE IS EVIDENCE

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SUGGESTING GOVERNMENT FORCES MAY HAVE BEEN INVOLVED.

F. INVASION OF THE HOME.

THE SANCTITY OF THE HOME HAS TRADITIONALLY BEEN PROTECTED BY ARGENTINE LAW, CUSTOM AND PRACTICE. THE SECURITY FORCES, HOWEVER, HAVE OFTEN VIOLATED SUCH SANCTITY DURING THEIR ANTI-TERRORIST AND ANTI-SUBVERSIVE OPERATIONS. THOUGH THE NUMBER APPEARS TO HAVE DROPPED OFF SHARPLY DURING 1980, AVAILABLE INFORMATION SUGGESTS THAT VIOLATION OF THE HOME'S SANCTITY WAS EMPLOYED ON SOME OCCASIONS.

2. GOVERNMENT POLICIES TOWARD THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION:

ARGENTINA IS ONE OF THE MOST DEVELOPED OF THE NATIONS IN LATIN AMERICA. ITS STANDARD OF LIVING IS HIGH. IN 1978 PER CAPITA INCOME IN CURRENT DOLLARS WAS $2,331 AND ARGENTINE GOVERNMENTS HAVE--WITHIN THE ECONOMIC CONSTRAINTS OF RECENT YEARS--SOUGHT TO CONFRONT SOCIAL NEEDS. INFANT [redacted], MORTALITY IN 1970-79 WAS 59 PER 1,000 BIRTHS. IN 1977 93% OF THE ADULT POPULATION WAS LITERATE. OFFICIAL UNEMPLOYMENT IN ARGENTINA WAS ONLY 2.0% IN 1980 BUT SOME OBSERVERS BELIEVE THAT THERE IS A HIGHER LEVEL OF HIDDEN UNEMPLOYMENT. THE DISTRIBUTION OF INCOME HAS BECOME LESS EQUAL IN RECENT YEARS, IN PART AS A RESULT OF GOVERNMENT POLICIES DESIGNED TO REDUCE INFLATION AND REVITALIZE THE COUNTRY'S PRODUCTIVE SECTOR. TOWARD THAT END, THE GOVERNMENT HAS MADE AN EFFORT TO OPEN THE ECONOMY TO

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EXTERNAL COMPETITION BY LOWERING TARIFF PROTECTION, REDUCING SUBSIDIES, AND LIMITING STATE INVOLVEMENT IN THE ECONOMY. INFLATION, HOWEVER, IS STILL HIGH, RUNNING AT ABOUT 75% FOR THE YEAR.

PROPERTY OWNERSHIP AND TRANSACTION IS A RIGHT OF THE CITIZENS. THE TAX SYSTEM IS PROGRESSIVE AND TAX COLLECTIONS ARE INCREASINGLY EFFECTIVE, THOUGH COMPLIANCE REMAINS A PROBLEM.

EDUCATION HAS BEEN FREE AND IS WIDELY AVAILABLE, THOUGH THE GOVERNMENT IS NOW MOVING TO REQUIRE TUITION FOR UNIVERSITY-LEVEL EDUCATION. HEALTH CARE PROGRAMS ACCOUNT FOR A MAJOR SHARE OF THE GOVERNMENT'S BUDGET. GOVERNMENT, PRIVATE AND TRADE UNION MEDICAL CARE PROGRAMS MAKE TREATMENT AVAILABLE AND AFFORDABLE TO MOST OF THE POPULATION.

NEW PARA: THERE IS A SERIOUS HOUSING DEFICIT IN ARGENTINA, MOST OF IT ATTRIBUTABLE TO NOW DEFUNCT LEGISLATION THAT SUSTAINED RENT CONTROL GUIDELINES.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH, RELIGION AND ASSEMBLY

IN 1980 THE MARGIN FOR EXERCISE OF FREEDOM OF SPEECH AND ASSEMBLY, PROVIDED FOR BY THE ARGENTINE CONSTITUTION, EXPANDED SIGNIFICANTLY. IN EARLIER YEARS THE CLIMATE OF VIOLENCE AND REPRESSION MADE MANY ARGENTINES FEARFUL OF ASSERTING THESE FREEDOMS. THE RIGHT OF ASSEMBLY FOR POLITICAL GROUPS HAS BEEN SUSPENDED

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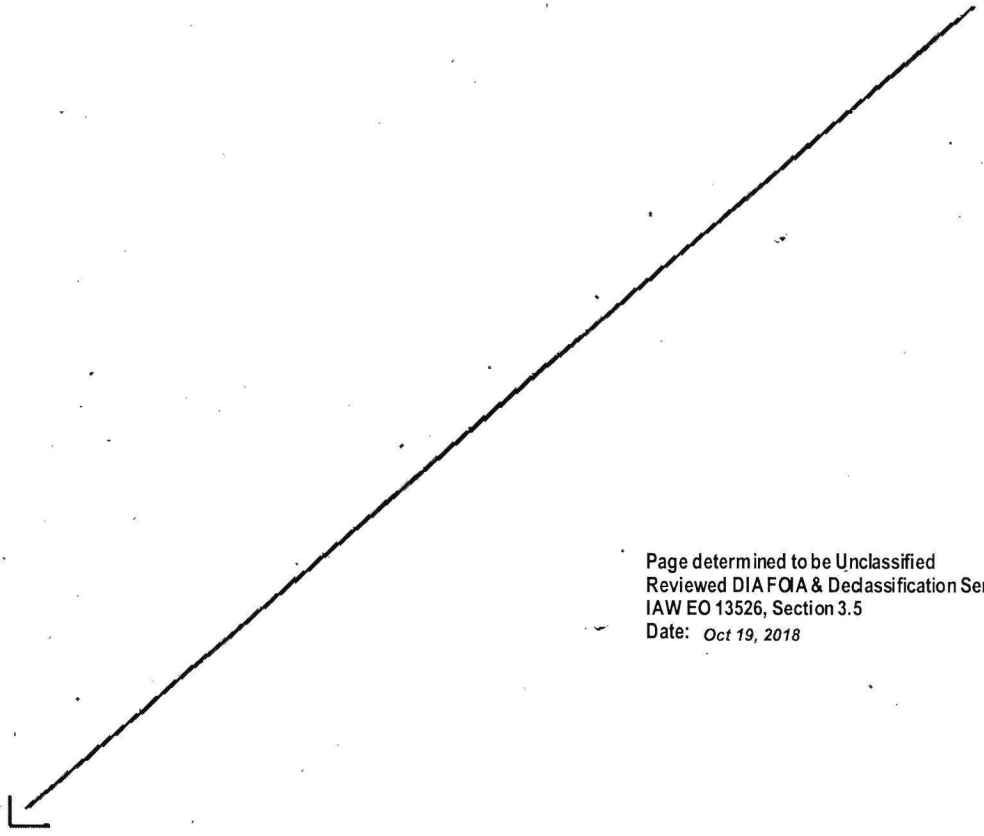
THE PRESS IS NOT SUBJECT TO PRIOR OFFICIAL CENSORSHIP FOR POLITICAL--AS OPPOSED TO MORAL--CONTENT. GOVERNMENT IMPOSED GUIDELINES AND SELF-CENSORSHIP DO PLAY AN IMPORTANT ROLE. NEWSPAPERS, HOWEVER, ACTIVELY CRITICIZE THE GOVERNMENT AND REPORT THE REMARKS OF OPPOSITION POLITICIANS. COVERAGE OF SUCH SENSITIVE ISSUES AS HUMAN RIGHTS AND THE DISAPPEARANCES INCREASED OVER THE COURSE OF 1980. MOST FOREIGN PUBLICATIONS ENTER ARGENTINA WITHOUT CENSORSHIP ALTHOUGH OCCASIONALLY SOME ISSUES ARE CENSORED FOR POLITICAL OR MORAL REASONS.



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THE GOVERNMENT HAS TOLERATED A LOW LEVEL OF ORGANIZED POLITICAL ACTIVITIES BY ESTABLISHED POLITICAL PARTIES. PARTY LEADERS MEET AND PUBLICLY CRITICIZE THE CONTINUATION OF MILITARY GOVERNMENT AS WELL AS GOVERNMENT POLICIES AND ACTIONS INCLUDING BOTH THE ECONOMIC SITUATION AND SUCH SENSITIVE HUMAN RIGHTS ISSUES AS ACCOUNTING FOR THE DIS-APPEARED. ON OCCASION INFORMAL MEETINGS OF PARTY LEADERS ARE PROHIBITED OR SOMETIMES DISRUPTED BY THE POLICE AND THE PARTICIPANTS DETAINED, USUALLY FOR BRIEF PERIODS. POLITICAL LEADERS STILL RISK ARREST IF THEY OVERSTEP THE UNCERTAIN AND UNDEFINED BOUNDS OF PERMITTED POLITICAL ACTIVITY AND STATEMENTS.

THE ARGENTINE CONSTITUTION REQUIRES THAT THE PRESIDENT BE A MEMBER OF THE CATHOLIC CHURCH, AND THE MAJORITY OF ARGENTINES PROFESS THIS FAITH. OTHER RELIGIONS ARE REQUIRED TO REGISTER WITH THE GOVERNMENT; ALL BUT THE JEHOVAH'S WITNESSES ARE PERMITTED TO FUNCTION, AND THERE ARE SUBSTANTIAL MINORITY RELIGIOUS GROUPS, INCLUD-ING A 300,000-450,000 MEMBER JEWISH COMMUNITY.

THE GOVERNMENT PUBLICLY CONDEMNS RELIGIOUS PREJUDICE. ARGENTINE JEWS HAVE WELL DEVELOPED COMMUNITY ORGANIZA-TIONS, EXERCISE THEIR RELIGION WITHOUT RESTRAINTS AND PARTICIPATE FULLY IN ARGENTINE ECONOMIC AND CULTURAL

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THREATENED IN THE PAST AND SEVERAL ACTIVISTS DISAPPEARED. IN 1980 IT APPEARED THAT THE ORGANIZATIONS WERE OPERATING IN A CLIMATE OF ENHANCED SECURITY THOUGH THERE CONTINUED TO BE OCCASIONAL HARASSMENT.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION.

THE ARGENTINES ARE FREE TO TRAVEL WITHOUT RESTRICTION WITHIN THE COUNTRY AND TO LEAVE WITHOUT RESTRICTION. THEY ARE FREE TO EMIGRATE. THE ARGENTINE CONSTITUTION PERMITS PERSONS HELD UNDER EXECUTIVE DETENTION (PEN) TO CHOOSE SELF-EXILE. EXERCISE OF THIS "RIGHT OF OPTION" WAS DENIED BY THE CURRENT GOVERNMENT UNTIL 1978 AND IS STILL RESTRICTED THROUGH THE USE OF AN EXTENSIVE SCREENING PROCESS FOR ALL APPLICANTS. MANY APPLICATIONS WERE DENIED DURING 1980, EVEN THOUGH THE APPLICANTS HELD DOCUMENTS AUTHORIZING THEM TO ENTER OTHER COUNTRIES.

ARGENTINA HAS ACCEPTED ABOUT 300 INDOCHINESE REFUGEES. THE RESETTLEMENT PROGRAM HAS GONE REASONABLY WELL FOR MOST OF THESE. SOME, HOWEVER, HAVE BEEN VERY DISCONTENT, PARTICULARLY ABOUT JOB CONDITIONS AND HAVE SOUGHT TO LEAVE THE COUNTRY. ARGENTINA HAS ALSO ACCEPTED 11 CUBAN REFUGEES. TWO PEOPLE WHO REPORTEDLY DISAPPEARED IN 1980 WERE PARAGUAYAN COMMUNISTS LIVING AS REFUGEES IN ARGENTINA. MARRIED WOMEN LIVING IN ARGENTINA MUST HAVE THE PERMISSION OF THEIR HUSBANDS TO TRAVEL ABROAD WITH THE CHILDREN

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IF THE HUSBAND IS NOT ACCOMPANYING THEM.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS.

MOST ELEMENTS OF THE POLITICAL PROCESS REMAINED LEGALLY SUSPENDED IN 1980. THE GOVERNMENT'S INTENTION IS TO RETURN THE NATION TO FULL DEMOCRACY BUT IT HAS NOT ESTABLISHED A TIMETABLE FOR REALIZING THAT GOAL. AS PART OF THE PROCESS OF REDEMOCRATIZATION THE GOVERNMENT IN LATE 1979 PROMULGATED A "POLITICAL PLAN" CONTAINING VERY BROAD GUIDELINES FOR THE EVENTUAL RETURN OF THE COUNTRY TO CIVILIAN GOVERNMENT. IN 1980, UNDER THE LEADERSHIP OF THE MINISTER OF THE INTERIOR, THE GOVERNMENT BEGAN A "DIALOGUE" WITH MANY OF THE NATION'S POLITICAL LEADERS. THE STATED PURPOSE OF THE DIALOGUE WAS TO DEVELOP IMPLEMENTING LEGISLATION FOR THE POLITICAL PLAN. AS OF SEPTEMBER 1980 THIS IMPLEMENTING LEGISLATION HAD NOT EMERGED AND THE DIALOGUE WITH POLITICAL LEADERS CONTINUES. IN THE MEANTIME, THE JUNTA DESIGNATED ANOTHER MILITARY PRESIDENT TO SERVE UNTIL MARCH 1984. PROFESSIONAL POLITICIANS DURING THE YEAR PUBLICLY CONDEMNED THE EXCLUSION OF THE PUBLIC FROM THE PRESIDENTIAL SELECTION PROCESS.

ARGENTINE WOMEN ENJOY EQUAL JURIDICAL STATUS WITH MEN. WOMEN'S RIGHTS ARE NOT A CONTENTIOUS ISSUE IN ARGENTINA, AS JOBS AND EDUCATIONAL OPPORTUNITIES, ALONG WITH SUPPORT SYSTEMS THAT FACILITATE THE SIMULTANEOUS HANDLING OF JOB AND FAMILY, ARE READILY AVAILABLE. SEX DISCRIMINATION

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IS PROHIBITED IN EDUCATION, POLITICS AND EMPLOYMENT. TRADITION AND SOCIAL CUSTOMS STILL DICTATE THAT A WOMEN'S PRIMARY RESPONSIBILITY IS TO HUSBAND AND HOME AND LIMITS WOMEN'S PARTICIPATION IN THE WORK FORCE.

THE GOVERNMENT HAS INTERVENED MAJOR TRADE UNIONS, REPLACING HIGH LEVEL UNION OFFICIALS WITH MILITARY PERSONNEL, AND STRIKES HAVE BEEN PROHIBITED. IN 1976, AND AGAIN IN MID-1979, THE GOVERNMENT DETAINED A NUMBER OF IMPORTANT LABOR LEADERS (ALMOST ALL HAVE SINCE BEEN RELEASED). STRIKES FOR WAGE INCREASES HAVE NEVERTHELESS OCCURRED AND NEARLY ALL HAVE BEEN SETTLED WITHOUT VIOLENCE. IN LATE 1979, AFTER MORE THAN THREE YEARS OF STUDY, THE GOVERNMENT ISSUED A NEW TRADE UNION LAW WHICH SETS THE GUIDELINES FOR TRADE UNION ORGANIZATION AND LAYS THE GROUNDWORK FOR LIFTING THE SUSPENSION OF UNION ACTIVITIES WHICH HAS BEEN IN EFFECT SINCE THE ARMED FORCES TOOK POWER IN 1976. IT IS NOT CLEAR WHEN THE GOVERNMENT WILL LIFT THE SUSPENSION OF THE RIGHT TO STRIKE AND TO BARGAIN COLLECTIVELY. FROM THE GOVERNMENT'S POINT OF VIEW, THE NEW LAW IS DESIGNED TO INTRODUCE MORE GRASS ROOTS DEMOCRACY AND FREEDOM OF ASSOCIATION FOR THE WORKERS THAN EXISTED IN THE PAST; LABOR LEADERS, ON THE OTHER HAND, SEE IT AS AN EMASCULATION OF UNION POWER, AS IT PROSCRIBES ALL POLITICAL ACTIVITY AND GREATLY RESTRICTS CONTROL OVER SOCIAL FUNDS. THE PROCEDURAL STEPS FOR THE IMPLEMENTATION

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OF THE NEW LAW WILL NOT BE CLARIFIED UNTIL THE MINISTRY OF LABOR ISSUES DETAILED REGULATIONS, WHICH MAY TAKE UP TO ANOTHER 120 DAYS TO BE DRAFTED. THE ICFTU CONDEMNED THE LAW AS A VIOLATION OF UNION RIGHTS.

ALTHOUGH ENJOYING NO OFFICIAL STANDING OR RECOGNITION BY THE GOVERNMENT, SEVERAL LABOR GROUPINGS ARE ACTIVE IN MAKING THEIR VIEWS KNOWN. FOR EXAMPLE, THEY OPPOSE THE GOVERNMENT'S TRADE UNION LAW ON GROUNDS THAT IT RESTRICTS FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AS DEFINED IN CONVENTIONS 87 AND 98 OF THE INTERNATIONAL LABOR ORGANIZATION AS RATIFIED BY THE ARGENTINE GOVERNMENT. THEY ALSO OPPOSE THE NEW LAW'S PROHIBITION AGAINST POLITICAL ACTION BY TRADE UNIONS.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS:

IN LATE 1978, THE ARGENTINE GOVERNMENT INVITED THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC) TO VISIT ARGENTINA. THAT VISIT TOOK PLACE FROM SEPTEMBER 6 TO 20, 1979. THE COMMISSION MET WITH PRESIDENT VIDELA AND OTHER HIGH-LEVEL GOVERNMENT, HUMAN RIGHTS, RELIGIOUS, POLITICAL AND LABOR OFFICIALS, TOOK TESTIMONY FROM FAMILY MEMBERS OF DISAPPEARED PERSONS AND FROM FORMER PRISONERS AND VISITED SEVERAL PRISONS AND DETENTION CENTERS. THE IAHRC RECORDED A PAST PATTERN OF WIDE SCALE HUMAN RIGHTS ABUSES,

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INCLUDING VIOLATIONS BY THE GOVERNMENT RE THE RIGHT TO LIFE, TO PERSONAL SECURITY, TO PERSONAL LIBERTY, TO DUE PROCESS, TO FREEDOM OF OPINION, EXPRESSION AND ASSOCIATION. THE IAHRC ALSO OBSERVED, HOWEVER, THAT WITH THE EXCEPTION OF THE JEHOVAH'S WITNESSES, FREEDOM OF RELIGION PREVAILS IN ARGENTINA. IT REPORTED THAT THERE IS NO OFFICIAL POLICY OF ANTI-SEMITISM, THOUGH IN SOME INSTANCES JEWS HAVE BEEN THE SUBJECT OF DISCRIMINATION. THE IAHRC FORMULATED A SERIES OF RECOMMENDATIONS TO THE ARGENTINE GOVERNMENT FOR CORRECTING THE ABUSES IT HAD OBSERVED. THESE RECOMMENDATIONS INCLUDED AN OFFICIAL ACCOUNTING FOR THE DISAPPEARED; EFFECTIVE IMPLEMENTATION OF HABEAS CORPUS PROCEDURES; RELEASE OR TRIAL OF THOSE BEING HELD UNDER PEN; IMPROVEMENT IN PRISON CONDITIONS; ESTABLISHMENT OF DUE PROCESS; ALLOWING THE JEHOVAH'S WITNESSES TO EXERCISE FREELY THEIR RELIGION AND TO INVESTIGATE AND PUNISH DISCRIMINATION AGAINST JEWS; AND TO ASSURE SECURITY AND FREEDOM FOR HUMAN RIGHTS ORGANIZATIONS.

ARGENTINA HAS NOT SIGNED THE AMERICAN CONVENTION ON HUMAN RIGHTS.

THE INTERNATIONAL COMMITTEE OF THE RED CROSS MAINTAINS AN ACTIVE PROGRAM IN ARGENTINA, WITH REGULAR PRISON VISITS.

END TEXT.

RUSER